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8 Attorneys for Defendant  
9 JUAN CARLOS MARTINEZ CASTRO

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) Case No. 2:19-cr-233 DAD  
11 Plaintiff, )  
12 vs. ) STIPULATION AND ORDER TO CONTINUE  
13 JUAN CARLOS MARTINEZ ) STATUS CONFERENCE, AND TO EXCLUDE  
14 CASTRO, ET AL ) TIME  
Defendant. )  
Date: January 24, 2023  
Time: 9:30 a.m.  
Judge: Hon. Dale A. Drozd

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16 IT IS HEREBY STIPULATED by and between the parties hereto through their  
17 respective counsel, U.S. Attorney Phillip A. Talbert, through Assistant United States Attorney  
18 Justin Lee, attorney for Plaintiff, and Federal Defender Heather Williams, through Assistant  
19 Federal Defender Hannah Labaree, attorney for defendant Juan Carlos Martinez Castro, that the  
20 previously-scheduled status conference date of January 24, 2023, be vacated and the matter be  
21 set for status conference on February 14, 2023 at 9:30 a.m, at the defendant's request.

22 Counsel for the defendant requires time to conduct independent investigation and meet  
23 with her client to review the case. The parties are in active negotiations surrounding resolution of  
24 the case. Specifically, the defense needs additional time to confer with the defendant's  
25 immigration attorney regarding Mr. Martinez' immigration status, and to meet with her client  
26 regarding the possible effect of a conviction for one or more of the underlying charges on her  
27 client's immigration status, so to adequately advise him on those possible consequences per the  
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1 requirements of *Padilla v. Kentucky*, 559 U.S. 356 (2010). She also needs additional time to meet  
2 with her client to ensure his understanding of the Sentencing Guidelines as they apply in this  
3 case.

4 The defense asks for three weeks to accomplish the above.

5 For these reasons, Defense counsel believes that the failure to grant the above-requested  
6 continuance would deny her the reasonable time necessary for effective preparation, taking into  
7 account the exercise of due diligence.

8 Based upon the foregoing, the parties agree that time under the Speedy Trial Act should  
9 be excluded from this order's date through and including February 14, 2023, pursuant to 18  
10 U.S.C. §3161 (h)(7)(A)and (B)(iv) (reasonable time to prepare), and General Order 479, Local  
11 Code T4, based upon continuity of counsel and defense preparation.

12 Counsel and the defendants also agree that the ends of justice served by the Court  
13 granting this continuance outweigh the best interests of the public and the defendant in a speedy  
14 trial.

15 Respectfully submitted,

16 Dated: January 18, 2023

HEATHER E. WILLIAMS  
Federal Defender

17  
18 */s/ Hannah Labaree* \_\_\_\_\_  
19 HANNAH LABAREE  
Assistant Federal Defender  
Attorney for Defendant  
Juan Carlos Martinez Castro

21 Dated: January 18, 2023

PHILLIP A. TALBERT  
United States Attorney

22 */s/Justin Lee* \_\_\_\_\_  
23 JUSTIN LEE  
Assistant U.S. Attorney  
Attorney for Plaintiff

## ORDER

The court has received, read, and considered the parties' stipulation. In adopting the parties' most recent prior stipulation continuing the status conference in this case, one in which the indictment was returned on December 19, 2019, the court stated that “[n]o further continuances of the status conference date will be granted absent a compelling showing of good cause.” (Doc. No. 53 at 3.) Whether the now submitted stipulation meets such a showing is debatable. Nonetheless, in light of counsel’s request to continue the status conference for the relatively short period of three weeks in order to accomplish the described tasks, the court finds good cause to have been shown to adopt the stipulation of the parties in its entirety as its Order. Specifically, the Court finds the failure to grant the requested continuance in this case would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finds the ends of justice are served by granting the requested continuance and outweigh the best interests of the public and defendant in a speedy trial.

The Court therefore orders the time from the date of this order, up to and including February 14, 2023, shall be excluded from computation of time within which the trial of this case must be commenced under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and(B)(iv) [reasonable time for counsel to prepare] and General Order 479, (Local Code T4). It is further ordered the January 24, 2023 status conference is vacated and re-set for February 14, 2023, at 9:30 a.m. The court emphasizes that no further continuances of the status conference in this case absent an overwhelming showing of good cause to do so.

IT IS SO ORDERED.

Dated: **January 18, 2023**

Dale A. Droyd  
UNITED STATES DISTRICT JUDGE